

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FREDERICK HERMAN FISHER,

Plaintiff,

v.

Case No. 03-CV-71804

PATRICIA CARUSO, et al.

Defendants.

**OPINION AND ORDER GRANTING “PLAINTIFF’S EMERGENCY MOTION FOR
LEAVE TO RETAIN EXPERT WITNESS AND TO REQUIRE DEFENDANTS TO PAY
COSTS ASSOCIATED WITH DISCOVERY FROM PLAINTIFF’S EXPERT”**

Plaintiff Frederick Fisher filed the above-captioned motion on November 27, 2007. Plaintiff seeks an order (1) authorizing retention of an expert witness, (2) requiring Defendants to pay for all costs and fees associated with attempts on their part to obtain discovery from the expert and (3) modifying the court’s scheduling order to allow sufficient time for the expert to prepare a report. Defendants responded on December 7, 2007, indicating agreement with all but a portion of Plaintiffs’ second request. Specifically, Defendants believe the expert should require no deposition preparation time, or at least very limited time that is subject to reimbursement. The court conducted an off-the-record telephone conference on December 17, 2007 to discuss the parties’ disagreement. The court will order as follows.

IT IS ORDERED that Plaintiffs’ “Motion for Leave to Retain Expert Witness . . .” is GRANTED. Plaintiff is authorized to retain James Repace as an expert witness and Defendants shall pay for all reasonable and non-duplicative fees and costs associated

with discovery that Defendants seek from Mr. Repace.¹ With respect to modifying the scheduling order, the court will await the parties' joint proposed schedule of deadlines.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 18, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 18, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹Under the circumstances, the court expects that Mr. Repace's deposition preparation time should be 0-2 hours.